



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 7 and 8, 2010**

SECOND AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 7 and 8, 2010.

TUESDAY, SEPTEMBER 7, 2010—1:00 P.M.

- (1) S153852 Ameron International Corp. v. Insurance Co. of the State of Pennsylvania and consolidated case (*Corrigan, J., not participating; Siggins, J., assigned justice pro tempore*)
- (2) S176983 People v. Engram (Terrion Marcus)
- (3) S176171 Kling v. Superior Court of Ventura County; People, Real Party in Interest
- (4) S172589 Lopez v. Superior Court of San Bernardino County; People, Real Party in Interest

WEDNESDAY, SEPTEMBER 8, 2010—9:00 A.M.

- (5) S183411 Professional Engineers in California Government et al. v. Schwarzenegger
- (6) S181760 St. John's Well Child and Family Center et al. v. Schwarzenegger (*Werdegart, J., not participating; Rylaarsdam, J., assigned justice pro tempore*)

1:30 P.M.

- (7) S175242 In re Jenkins (Harvey Zane) on Habeas Corpus
- (8) S079179 People v. Bacon (Robert Allen) [Automatic Appeal]
- (9) S075875 People v. Russell (Timothy) [Automatic Appeal]

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, SEPTEMBER 7, 2010—1:00 P.M.

(1) *Ameron International Corp. v. Insurance Co. of the State of Pennsylvania and consolidated case (Corrigan, J., not participating; Siggins, J., assigned justice pro tempore), S153852*

#07-363 *Ameron International Corp. v. Insurance Co. of the State of Pennsylvania and consolidated case, S153852.* (A109755; 150 Cal.App.4th 1050; Superior Court of San Francisco County; 419929.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment on the pleadings in a civil action. This case presents the following issue: Does a proceeding before the United States Department of the Interior Board of Contract Appeals constitute a “suit” such as to trigger insurance coverage under a commercial general liability policy?

(2) *People v. Engram (Terrion Marcus), S176983*

#09-81 *People v. Engram (Terrion Marcus), S176983.* (E047015; nonpublished opinion; Superior Court of Riverside County; RIF125429.) Petition for review after the Court of Appeal affirmed an order of dismissal of a criminal proceeding. This case includes the following issue: Did the Superior Court of Riverside County violate the provisions of Penal Code section 1050, subdivision (a) (granting precedence to criminal cases over civil cases) by declining to assign last-day criminal cases to the specialized civil departments handling family law, probate, and juvenile matters? If not, did the trial court err in failing to find good cause to delay defendant’s trial under Penal Code section 1382?

(3) *Kling v. Superior Court of Ventura County; People, Real Party in Interest, S176171*

#09-72 *Kling v. Superior Court of Ventura County; People, Real Party in Interest, S176171.* (B208748; 177 Cal.App.4th 223; Superior Court of Ventura County; 2005045185.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issues: (1) What role does the prosecution have in an in camera hearing to determine whether to disclose third party documents to the defense? (2) Is the prosecution entitled to information at that time about the documents subpoenaed and from whom they were subpoenaed, or is such disclosure required (see Pen. Code, § 1054.3) only once the defense decides to use the documents at trial?

(4) *Lopez v. Superior Court of San Bernardino County; People, Real Party in Interest, S172589*

#09-37 *Lopez v. Superior Court of San Bernardino County; People, Real Party in Interest, S172589.* (G040679; 173 Cal.App.4th 266; Superior Court of San Bernardino County; FVAFS700968.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Can a person committed as a mentally disordered offender challenge that determination at the time of a petition to extend the commitment or can the question be litigated only at the time of the original certification?

WEDNESDAY, SEPTEMBER 8, 2010—9:00 A.M.

(5) *Professional Engineers in California Government et al. v. Schwarzenegger, S183411*

#10-68 *Professional Engineers in California Government et al. v. Schwarzenegger, S183411.* (C061009, C061011, 6061020; Superior Court of Sacramento County; 34-2008-800000126, 34-2009-800000134, 34-2009-800000135.) This case presents the following issues: (1) On December 19, 2008, did the Governor have authority unilaterally to impose a mandatory two-day-a-month unpaid furlough for state employees by issuing an executive order? (2) Did the Legislature's enactment in February 2009 of the revised Budget Act of 2008 and the initial Budget Act of 2009 affect the validity of the

Governor's executive order and/or the remedy that the employee organizations may be entitled to obtain in this proceeding?

(6) *St. John's Well Child and Family Center et al. v. Schwarzenegger, (Werdegar, J., not participating; Rylaarsdam, J., assigned justice pro tempore), S181760*

#10-70 St. John's Well Child and Family Center et al. v. Schwarzenegger, S181760.

(A125750; 182 Cal.App.4th 590.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does the Governor's constitutional line item veto power "to reduce or eliminate one or more items of appropriation" (Cal. Const., art. IV, § 10, subd. (e)) apply to provisions in a mid-year emergency bill that reduce appropriation amounts of a previously enacted budget bill?

1:30 P.M.

(7) *In re Jenkins (Harvey Zane) on Habeas Corpus, S175242*

#09-67 In re Jenkins (Harvey Zane) on Habeas Corpus, S175242. (C059321; 175 Cal.App.4th 300; Superior Court of Lassen County; CHW2321.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issue: If a prisoner is not assigned to a prison work program due to reasons that are not his or her fault, such as a transfer between prisons or within the prison, is the prisoner nonetheless entitled to the favorable classification points, which may reduce the prisoner's custody level, that can be earned for performance in such a program?

(8) *People v. Bacon (Robert Allen), S079179 [Automatic Appeal]*

This matter is an automatic appeal from a judgment of death.

(9) *People v. Russell (Timothy), S075875 [Automatic Appeal]*

This matter is an automatic appeal from a judgment of death.